IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.407 OF 2005
IN
WRIT PETITION NO.740 OF 2002

Nanda K.Udeshi .. Appellant
V/s
M.P.Arya Vidya Sabha & Ors. .. Respondents

Mr.M.M.Vashi i/by M/s.M.P.Vashi & Associates for the Appellant.

Ms.Anupama B.Shah for Respondents.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 29th January, 2008.

P.C.:

1. Heard the learned Counsel for the parties. By this appeal, the Appellant is challenging an order passed by the learned Single Judge dated 12.01.2005. The contention of the Appellant is that the Appellant's services ought not to have been terminated in an arbitrary manner. The learned Single Judge has rightly observed that the appellant was appointed purely on temporary basis from 13.06.1996 to 30.04.1997 as an Assistant Teacher and even an approval granted by the Education Inspector dated 25.09.1996 makes it abundantly clear that the approval was clearly on temporary basis. It appears that on 17th March, 1997 i.e.before completion of two years probation period which was to end on 30.04.1997, a letter was issued to the Appellant discontinuing her services. The Appellant does not have any vested right to continue in the said post if her

services were terminated before successful completion of probation period. The learned Counsel for the Appellant has sought to contend that the Appellant had joined on a clear vacancy on 1st October 1995. Even if that be so, when the services were terminated on 17th March, 1997 i.e. before the completion of two years probation period, it cannot be said that the termination was arbitrary. It is to be noted here that the Appellant was habitually coming late to the School. Though the reporting time was 7.30 a.m.the Appellant used to come at 10.30 a.m., and therefore, Appellant being an Assistant Teacher this was gross misconduct on her part, and hence the management found her services to be not satisfactory. The termination therefore cannot be said to be invalid.

2. We do not find any error or illegality in the order passed by the learned Single Judge. Hence, the Appeal stands dismissed.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**